

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PRECISION INDUSTRIAL EQUIPMENT : CIVIL ACTION
: NO. 14-3222
v. :
IPC EAGLE :
:

ORDER

AND NOW, this 14th day of January, 2016, upon consideration of defendant IPC Eagle's motion for summary judgment on all claims and counterclaims (Dkt. No. 31), plaintiff Precision Industrial Equipment's response (Dkt. No. 35), defendant's reply (Dkt. No. 37) and a hearing on the motion on October 26, 2015, and consistent with the accompanying Memorandum of Law, it is ORDERED that defendant's motion is GRANTED in part and DENIED in part.

JUDGMENT IS ENTERED in favor of defendant IPC Eagle and against plaintiff Precision Industrial Equipment with respect to: (1) all five Counts of plaintiff's amended complaint; and (2) defendant's breach of contract counterclaim on the issue of plaintiff's liability to defendant. Defendant's motion is DENIED in all other respects. The issue of defendant's damages for its breach of contract counterclaim will be held for trial.

It is further ORDERED that:

- (1) This matter is listed for trial to commence on Monday, April 25, 2016 at 10:00 A.M. in Courtroom 4A of the United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.
- (2) Motions in limine or other matters requiring the Court's attention, if any, are to be filed no later than April 4, 2016. Responses to any such motions shall be filed on or before April 11, 2016; and

- (3) Pretrial memoranda, proposed points for charge and verdict sheets should be filed no later than April 4, 2016.

If the parties believe a settlement conference would be productive they should contact my deputy Mr. Charles Ervin (267-299-7559) promptly.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.